

**THE HONORABLE JUDGE JAMES MOORE
FOURTH JUDICIAL DISTRICT
CIVIL PRACTICE POINTERS & PREFERENCES**

I. Contact with Chambers

- Chambers is available to receive calls from 8 a.m. to 5 p.m. every day. Parties may contact Chambers via email or phone and are encouraged to contact Chambers with any issues or disputes that require Court intervention as soon as possible.
- While the Judge does not prohibit impromptu calls related to deposition disputes, the Court recommends that the parties zealously attempt to resolve such issues before contacting the Court.

II. Telephone Conferences with the Court

- Parties must schedule a telephone conference with the Court before filing any discovery motion or documents under seal.
- A telephone conference with the Court to discuss the status of the case and any unresolved issues is often included as part of the Court's regular Scheduling Order.
- Parties are encouraged to review the Scheduling Order for the procedures that apply to telephone conferences with the Court.

II. Discovery Motions/Documents Under Seal

- An informal telephone conference with the Court is required before any discovery motion may be filed.
- Parties must meet-and-confer before filing discovery motions pursuant to the Minnesota Rules of Civil Procedure and the Minnesota General Rules Practice. Parties are encouraged but not required to meet-and-confer before informal conferences.
- A telephone conference will be held on the record with the Court to determine the confidentiality of records before any documents may be filed under seal.

III. Motions

- Motions may be heard any day of the week and are scheduled as the Court's calendar permits. In order to accommodate trial schedules, the Court typically attempts to schedule motions in the morning or at the noon hour.
- Parties must contact the Court to confirm availability and to allow more time for the hearing when bringing cross motions for summary judgment.

- Thirty minutes are allotted for motion hearings. If more time is necessary, parties may request additional time from the Court in advance of the hearing. Parties need not recite the facts or argument in their written materials. Please assume the Court has read all of the materials submitted.

IV. Amending the Scheduling Order

- The Scheduling Order may be amended as set out in the Minnesota Rules of Civil Procedure and the Minnesota General Rules of Practice. The Court is generally amenable to adjusting the deadlines set out in the Scheduling Order, especially where the parties have stipulated to a particular amendment. However, the Court will not adjust the trial date or deadlines that may affect the trial date (e.g., dispositive motion deadline) absent compelling circumstances. Parties are encouraged to adhere to the deadlines set out in the Court's Scheduling Order.

V. Proposed Orders

- Parties are encouraged to email all proposed orders to the Court via email in word format.

VI. Written Submissions

- Requests to enlarge word/page requirement and/or extend the briefing deadline may be made by emailing or calling the Court for permission.
- Courtesy copies may be hand-delivered, mailed, or emailed to Chambers. The Court welcomes but does not require that parties submit courtesy copies in a tabbed binder for ease of use. In addition, parties are encouraged but not required to include courtesy copies of the apposite case authorities cited in their briefs.

VII. Temporary Restraining Orders/Preliminary Injunctions

- A party seeking a temporary restraining order or preliminary injunction must endeavor to contact the opposing party to provide notice of the hearing.
- Live testimony is not permitted at a hearing on a temporary restraining order. Live testimony may be permitted at a preliminary injunction hearing. The hearing should be scheduled as soon as possible.

VIII. In-Court Proceedings

- Parties must be on time for hearings. In addition, parties should review the protocol regarding decorum before appearing in Court. (See attached)
- Parties may sit or stand during hearings but are encouraged to sit to assist the Court Reporter in creating a better record.

- Counsel is not permitted to question a witness at the witness stand. Counsel is also discouraged from addressing opposing counsel during oral argument or attributing arguments to opposing counsel rather than the party.
- Thirty minutes are allotted for motion hearings. If more time is necessary, parties may request additional time from the Court in advance of the hearing.
- Parties need not recite the facts or argument in their briefs. Please assume the Court has read all of the materials submitted.
- Copies of any new case authority should be provided to the Court and opposing counsel in advance of or at the hearing.
- Parties should be ready to effectively use in-court technology. Parties are encouraged to setup and/or familiarize themselves with the technology they plan to utilize in advance of any in-court proceeding.

IX. Pretrial Procedures

- The Court will typically issue a Pretrial Order four to six weeks before the scheduled trial block. Information pertaining to the Court's pretrial procedures is contained in the Pretrial Order. (See attached)
- A mandatory settlement conference will be held at the pretrial conference. All parties with full settlement authority must attend the settlement conference.

X. Trial

- Trials are typically scheduled from 9 a.m. to 4:30 p.m. with an hour and a half break from 12:00 p.m. to 1:30 p.m. to allow for motion hearings. A twenty minute recess is taken every hour and a half.
- Parties are encouraged to provide as much advance notice as possible regarding the timing of witness testimony but must provide at least one day advance notice.
- Exhibits should be pre-marked before trial.
- Counsel should be prepared to use in-court technology before trial begins. Please contact the Court to schedule a time to set up technology and/or familiarize yourself with the technology before the first day of trial.
- A party requesting a daily transcript of the trial must contact the Court in advance.
- Counsel must provide the legal basis for any objections during trial. Parties may not provide argument regarding their objection unless so invited by the Court.

- Counsel may not approach a witness without seeking the Court's permission. Parties may not question witnesses at the witness stand.
- Counsel must address witnesses and opposing counsel formally throughout trial.
- A party presenting a video deposition should provide a copy of the transcript to the other parties in advance. In addition, the transcript should be provided to the Court as an exhibit so that the Court Reporter is not required to transcribe the video deposition testimony during trial.
- The Judge will discuss the case with jurors and ask them to fill out a jury questionnaire after the trial has been completed. A copy of the questionnaire will be provided to the parties. Parties may contact jurors for feedback if they so choose. Attorneys may also contact the Chambers for feedback after the conclusion of trial.

COURTROOM PROTOCOL
Judge Moore

Please be punctual for court hearings.

If you are detained in another courtroom or have other hearings in another courtroom which will make you late, please let the judge know where you are.

Chambers contact: 4thjudgemoorechambers@courts.state.mn.us
(612) 596-1019, 596-1068

Please stand when:

Court enters or leaves (unless otherwise instructed)
Jury enters or leaves

Please wait quietly while each witness takes the witness oath and wait for the Court to identify the witness for the record.

Please ask permission before:

Approaching witness
Approaching clerk
Approaching bench

If granted permission to approach a witness, do not get inappropriately close to the witness.

Please return promptly to the podium or counsel table instead of continuing questioning near the witness.

Please use surnames when referring to:

Witnesses
Counsel
Jurors

When making an objection, please state only the legal basis of the objection (e.g., "hearsay" or "leading") and do not elaborate or argue unless asked to do so by the Court (no speaking objections). No response to objections unless requested.

Please do not argue after the Court has ruled. Don't thank the judge for rulings.

Please show exhibits to opposing counsel before handing them to the witness and to the Court before offering them into evidence.

Please do not impede the judge's view of the courtroom when using the easel for demonstrative exhibits.

Please direct all arguments to the Court, not opposing counsel.

Please refer to opposing counsel in courteous terms, and refrain from making disparaging remarks or displaying ill will toward opposing counsel.

Please don't characterize opposing counsel when making arguments to the Court.

Please refrain from making facial expressions, gestures, or audible comments to indicate approval or disapproval of testimony, argument, or rulings, and ensure that your clients also refrain from these behaviors.

In the case where the testifying witness disagrees with another witness, don't ask the testifying witness if he/she thinks their difference in testimony means that the other witness is lying.

Don't ask a witness what he/she said in a deposition unless you have first asked the witness the question directly and the deposition contradicts what he/she is now saying.

When impeaching from a deposition, read the question and answer and ask the witness if that was what the witness answered. Tell opposing counsel the page and the line in the deposition that you are referring to.

When publishing exhibits to the jury, do so in a way that all jurors can view the exhibit at the same time. Avoid passing the exhibit around to each juror.

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

Judge James A. Moore

x,

Plaintiff(s),

**ORDER FOR PRETRIAL
AND TRIAL ORDER**

v.

Court File No. 27-CV-

x,

Defendant(s).

IT IS HEREBY ORDERED that the above-entitled matter is set for a Pretrial Conference on **[1 month before trial]** before the Honorable James A. Moore.

This is a mandatory conference, and with no exceptions, must be attended by:

- 1) The attorneys who will try the case;
- 2) The parties involved in the litigation (if the defendants are insured, the named defendants need not be personally present if the claims adjuster for defendants' insurance carrier is present);
- 3) Claims adjusters; and
- 4) Any and all other persons who have authority to settle the case.

Parties shall be prepared to discuss how much time will be needed for each side to present its case-in-chief.

IT IS FURTHER ORDERED that if the above-entitled matter is not resolved, it is set for a trial block beginning **[trial block]**. The trial will be held in Courtroom C-759 of the Hennepin County Government Center, 300 South Sixth Street, Minneapolis, Minnesota.

IT IS FURTHER ORDERED that the following information must be submitted to the Court by **[two weeks before trial]**:

- 1) **Exhibit lists** – the attorneys and parties shall comply with Minn. R. Gen. Prac. Part H,

§ 12 (Exhibits). Exhibit numbers must be consecutive (*no. 1-99 for Plaintiff, 100-199 for Defendants, or a similar designation as need be to accommodate the number of exhibits expected to be offered*). For exhibits with objections, the parties must be prepared to specify grounds for objections with authorities. **The attorneys must meet and confer before trial to organize the exhibits and exhibit lists, and meet to attempt to resolve objections to exhibits;**

- a. By the start of trial, the parties must agree on the list of exhibits to the extent possible and submit a jointly prepared set of documents which the parties shall present to the Court according to the following:
 - i. No duplicative exhibits should be submitted to the Court, included in the exhibit list, or placed in the exhibit binders.
 - ii. Any exhibits in the form of documents must be bound in 3-ring binders with an Exhibit List and dividers. If needed, color tabs can be used.
 1. Copies of each binder must be submitted to the Court for use during trial as follows: one for the Court; a second for the Court Clerk; a third copy for use at the witness stand.
 2. Each binder submitted must have a Table of Contents/Exhibit List identifying the documents with a series of columns to the right of the exhibit number for “Offered”, “Objection”, and “Received”.
 3. The parties shall designate on the Joint Exhibit List, or orally to the Court at the start of trial, those exhibits that the parties agree can be received without objection. The Court will admit these exhibits into evidence at the start of trial. As to any exhibit that the parties cannot agree to being received in evidence, counsel shall be prepared to specify the grounds for objection with authorities.
 - iii. Exhibit list must be presented in substantially the same form as the example exhibit list attached to this order.
- 2) **Witness lists** – including a short statement of the substance of the testimony of each witness;
- 3) **Deposition testimony** – the attorneys must meet and designate those specific parts of depositions to be offered at trial and attempt to resolve objections. The attorneys must designate those portions of depositions to be submitted to the Court for rulings;
- 4) **Trial memoranda** – with authorities;
- 5) **Motions in Limine;**
- 6) **Proposed jury instructions;**
- 7) **Proposed special verdict forms;** and

8) **Stipulations** – regarding undisputed issues.

IT IS FURTHER ORDERED that the following information must be submitted to the Court by [**one week before trial**]:

1) **Responses to Motions *in Limine*.**

One courtesy copy of all submissions must be delivered to chambers.

Counsel must immediately notify the undersigned of any disposition of the case prior to trial.

FAILURE TO COMPLY WITH THE ABOVE PROVISIONS MAY RESULT IN THE IMPOSITION OF SANCTIONS WHICH MAY INCLUDE THE ASSESSMENT OF COSTS AGAINST THE DELINQUENT PARTY, THE STRIKING OF PLEADINGS, EXCLUSION OF EVIDENCE, DISMISSAL, DEFAULT JUDGMENT, OR OTHER RELIEF AS THE COURT MAY DEEM APPROPRIATE.

Dated: July 26, 2016

BY THE COURT:

James A. Moore
Judge of District Court

